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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,564	12/18/2000	John M. Hibscher	03405.018001	6450

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EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,564

Applicant(s)

HIBSCHER ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims that a single user identifier to a generated computer game allows an entire group of games to be provided. Applicant makes no provision for how a single link could all at once cause multiple games to be linked/provided to a player. To the best of Examiner's ability, the claim is interpreted as allowing a user id to be linked to a game.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harnett '332. Harnett teaches a jigsaw puzzle game played on a computer that can be accessed over the Internet, with input devices, and a variety of game storage mechanisms (3:33-42). Harnett further teaches that the puzzle game can be modified to a varying degree of difficulty and that a user can create a puzzle (3:44-52). As Harnett discloses the game over the Internet, it is would have been obvious to use a Web browser as the game interface, as a Web browser is the most commonly used program and interface tool of the Web/Internet. Furthermore, through Harnett's disclosure

Art Unit: 3713

of creating and playing a puzzle game on the computer over the Internet, presenting, receiving, and executing user commands is inherent as normal electronic game functions.

In re claim 2, Harnett teaches a user creating a puzzle and puzzle data stored over the Internet, but does not specifically claim playing the newly created game. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conclude that a user could play the user created game, and it could be over the Internet, thus sending the game to a remote computer.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harnett in view of Hibino et al '231 (Hereafter, Hibino). Harnett teaches puzzle data store over the Internet, which defines storing data on a remote server, but does not teach linking a user identifier to game access. Hibino teaches a user's ability to create, edit, and play games tied to levels of authorized user access (4:4-16); and that the game system can be in an on-line network configuration (4:38-40). Hibino further teaches that game information can be sent to a remote storage sever to provide further network access to other people, using this network embodiment in place of local floppy disk based storage solution (13:24-37). Lastly Hibino teaches that access to remote games is controlled by use identification (21:15-38). One would be motivated to modify Harnett as both Harnett and Hibino deal with game authoring and création in a network environment. Harnett offers an up-to-date model of network communication using the Internet, but does not include the authentication features of Hibino. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harnett to include game access based on user identification to provide a game author to only allow player access of the author's choosing.

Art Unit: 3713

6. Claims 1-2 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harnett '332 in view of Applicant's admissions of prior art (Hereafter, App). Harnett discloses the claimed limitations as discussed above, but does not provide detail of well-known applications and uses of web-based technology. App teaches various application and uses of web-based technology that are disclosed as old and well known in the art. App teaches that initially puzzles were provided by static HTTP methods (2:16-20). Then as the technology improved, various programming languages and modules were added such as JAVA and ShockWave to provide dynamic delivery of puzzles to users over the Internet/Web (3:11-4:21). Shockwave and JAVA can be embedded modules in both the server and client side web browser application and can provide movies. By no means do these languages and modules provide the only means to dynamic interactivity on the Internet/Web, but merely a small number of a multitude of available technologies disclosed by App. One would be motivated to combine features of Harnett and App as both teach Internet available puzzle games that can constructed and played by users and modifying Harnett to include teachings of App would serve to simply define what technologies could be used to provide the Harnett's teachings. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harnett to include the various implementation technologies taught by App to increase puzzle application usability, where employing the various implementation technologies would serve to increase operating system (OS) platform diversity as some technologies are only available on certain OS platforms.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Popat et al. '061 discloses software for creating puzzles over a network using a client/server design.

Stamper '198 discloses Internet and network delivery of puzzles for game play.

Luker '543 discloses computer created puzzles and further teaches of Internet file distribution of the created puzzles.

Rehm '438 discloses a computer puzzle creation tool.

Ehrman '786 discloses a run-time environment for network multi-player games having a game rule set and database.

Pajitnov et al. '796 discloses a network delivered puzzle game.


Art Unit: 3713

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale
July 2, 2002



JESSICA HARRISON
PRIMARY EXAMINER